

**EXHIBIT 1**

THE HONORABLE ROBERT S. LASNIK  
MAGISTRATE JUDGE JAMES P. DONOHUE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DANNY H. BRANDT,

Plaintiff,

v.

JOSEPH LEHMAN, et al.,

Defendants.

NO. C07-942-RSL-JPD

DECLARATION OF  
DEVON SCHRUM

I, DEVON SCHRUM, make the following declaration:

1. I am the Grievance Program Manager in the Office of Correctional Operations, Washington State Department of Corrections (DOC), located in Tumwater, Washington. My official duties include responding to questions regarding the inmate grievance program statewide, reviewing grievances appealed to Level III, reporting to DOC officials on the status of the grievance program, and other duties related to this program. I have held this position since April, 2006.

2. The Washington Offender Grievance Program (OGP) has been in existence since the early 1980s and was implemented on a department-wide basis in 1985.

3. Under the OGP, inmates may file grievances on a wide range of issues relating to their incarceration. For example, inmates may file grievances challenging: 1) DOC institution policies, rules and procedures; 2) the application of such policies, rules and

1 procedures; 3) the lack of policies, rules or procedures that directly affect the living  
 2 conditions of the offender; 4) the actions of staff and volunteers; 5) the actions of other  
 3 offenders; 6) retaliation by staff for filing grievances; and 7) physical plant conditions. An  
 4 offender may not file a grievance challenging: 1) state or federal law; 2) court actions and  
 5 decisions; 3) Indeterminate Sentence Review Board actions and decisions; 4) administrative  
 6 segregation placement or retention; 5) classification/unit team decisions; 6) transfers; and 7)  
 7 disciplinary actions.

8 4. Under the OGP, a wide range of remedies are available to inmates. These  
 9 remedies include: 1) restitution of property or funds; 2) correction of records; 3)  
 10 administrative actions; 4) agreement by department officials to remedy an objectionable  
 11 condition within a reasonable time; and 5) a change in a local or department policy or  
 12 procedure.

13 5. The grievance procedure consists of four levels of review:

14 Level 0 - Complaint or informal level. The grievance coordinator at the prison  
 15 receives a written complaint from an offender on an issue about which the offender wishes to  
 16 pursue a formal grievance. At this complaint level, the grievance coordinator pursues  
 17 informal resolution, returns the complaint to the offender for rewriting, returns the complaint  
 18 to the offender requesting additional information, or accepts the complaint and processes it as  
 19 a formal grievance. Routine and emergency complaints accepted as formal grievances begin  
 20 at Level I, complaints alleging staff misconduct are initiated at Level II.

21 Level I - Grievances against policy, procedure, or other offenders, and grievances  
 22 processed as emergencies. The local grievance coordinator is the respondent at this level.

23 Level II - Appeal. Inmates may appeal Level I grievances to Level II. Staff conduct  
 24 grievances are initiated at this level. All appeals and initial grievances received at Level II  
 25 are investigated and the prison superintendent is the respondent.  
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1        Level III - Appeal. Inmates may appeal all Level II responses to Department  
2        headquarters in Tumwater, where they are re-investigated. Administrators are the  
3        respondents.

4        6. If an inmate files a grievance regarding a matter that is the subject of an  
5        infraction investigation, the matter is not greivable. An inmate can appeal the determination  
6        that a complaint is not greivable to the Grievance Program Manager, or if the infraction is  
7        dismissed the offender may re-submit the grievance, thereby utilizing the grievance process.

8        7. The DOC's grievance system is well known to inmates. Currently, over  
9        20,000 grievances are filed per year system wide.

10       8. Danny Brandt, DOC # 957928, is a DOC inmate.

11       9. I have reviewed DOC's official grievance records concerning Mr. Brandt.

12       10. On June 20, 2002 Mr. Brandt filed a grievance, number 0211097, alleging  
13       that the State of Washington was endangering his health by allowing individuals to smoke  
14       inside DOC facilities. CUS Janet Miller responded by stating that DOC staff will be  
15       reminded to make regular sweeps to enforce the no smoking rule.

16       11. Mr. Brandt did not file a level II or level III grievance appealing the response  
17       he received.

18       12. On July 3, 2002 Mr. Brandt filed a grievance, number 0211811, alleging that  
19       CUS Miller retaliated against for filing a prior grievance.

20       13. Mr. Brandt withdrew the grievance and did not file a level II or level III  
21       grievance.

22       14. On July 2, 2002 Mr. Brandt filed a grievance, number 0211814, alleging that  
23       the State of Washington received money as part of the tobacco settlement and had failed to  
24       establish a smoking awareness campaign while still selling cigarettes in the facility. DOC  
25       responded by stating that the issue was not greivable.

26       15. Mr. Brandt did not appeal the decision that the issue was not greivable.

1 I declare under the penalty of perjury that the foregoing is true and correct to the best  
2 of my knowledge.

3 EXECUTED this 21st day of August, 2007, at Olympia, Washington.

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